

## UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America

v.

Joshua MCGUIRE

Case No. 3:20-mj-00106

Defendant(s)

**CRIMINAL COMPLAINT  
BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 7, 2020 in the county of Marion in the  
       District of Oregon, the defendant(s) violated:

*Code Section**Offense Description*

Title 21, U.S.C. § 841(a)(1), (b)(l)  
(A)(viii)

Possession with Intent to Distribute Methamphetamine

Title 21, U.S.C. § 846

Conspiracy to Distribute Methamphetamine

Title 18, U.S.C. § 922(g)

Felon in Possession of a Firearm

This criminal complaint is based on these facts:

See Affidavit of Task Force Officer Anthony Burke, FBI.

☒ Continued on the attached sheet.

*Complainant's signature*

Task Force Officer Anthony Burke, FBI

*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
 telephone at 11:49 a.m. ~~pm~~

Date: 05/08/2020

*Youlee Jim You*

*Judge's signature*

City and state: Portland, Oregon

Hon. Youlee Yim You, U.S. Magistrate Judge

*Printed name and title*

DISTRICT OF OREGON, ss: AFFIDAVIT OF ANTHONY J. BURKE

**Affidavit in Support of a Criminal Complaint and Arrest Warrant**

I, Anthony J. Burke, being duly sworn, do hereby depose and state as follows:

**Introduction and Agent Background**

1. I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510(7). I am currently employed as a Detective with the Salem Police and sworn as a Task Force Officer (“TFO”) with the Federal Bureau of Investigations (“FBI”), and assigned to the Resident Office in Salem, Oregon. I have been a TFO since February 2020. I am authorized, and presently assigned, to investigate violations of the Comprehensive Drug Abuse Prevention and Control Act of 1970, Title 21, United States Code, et seq., and other violations of federal law.

2. I am also a Detective with the Salem Police Department (Salem, Oregon) and have approximately 5 years of law enforcement experience. I have received training through the Department of Public Safety Standards and Training (DPSST) in the State of Oregon, for the certification as a police officer in the State of Oregon and I hold an Intermediate Certificate through this institution. I have had all stages of police training, including crime investigation, acquisition and preservation of evidence, felony apprehension, search and seizure, and other police operations. During my law enforcement career, I have participated in hundreds of drug related investigations and search warrants. I have personally utilized all means available to law enforcement during the course of an investigation, which includes but is not limited to: surveillance, informants, undercover officers, video surveillance, photography, pen registers,

vehicle trackers, wire taps, search warrants, body wires and other physical and technological investigative means.

3. I submit this affidavit in support of a criminal complaint and arrest warrant for Joshua MCGUIRE for Possession with the Intent to Distribute Methamphetamine in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii), Conspiracy to Distribute Methamphetamine in violation of 21 U.S.C. § 846, and Felon in Possession of a Firearm in violation of 18 U.S.C 922(g)(1). As set forth below, there is probable cause to believe, and I do believe, that MCGUIRE committed the above listed offense.

#### **Applicable Law**

4. Title 21, United States Code, Sections 841(a)(1) and 846, Possession with the Intent to Distribute Methamphetamine, provides that it is unlawful to possess with the intent to distribute methamphetamine, a Schedule II controlled substance under federal law, and to conspire to do so. Title 18, United States Code, Section 922(g)(1), provides that it is unlawful for any person who has knowingly been previously convicted of a crime punishable by imprisonment for a term exceeding one year to possess a firearm that has previously been shipped or transported in interstate or foreign commerce.

#### **Statement of Probable Cause**

5. During the course of an investigation that began in April of 2020, Joshua MCGUIRE (hereinafter referred to as “MCGUIRE”), with a date of birth in 1978, was identified as distributing methamphetamine in the Salem, Oregon area. Based on the investigation, which included multiple controlled buys from MCGUIRE, witness statements relating to MCGUIRE and law enforcement surveillance related to MCGUIRE, investigators with Salem Police Department

Salem Street Crimes Unit (SCU), applied for and obtained search warrants on May 7, 2020 for MCGUIRE's residence at 1614 Chemeketa Street Northeast, Salem, Oregon 97301 (hereinafter referred to as "Residence"), MCGUIRE's Dodge Ram 2500, Oregon License Plate Number 845DDH (hereinafter referred to as "Vehicle"), and MCGUIRE's storage unit located at 4000 Turner Road Southeast, Salem, Oregon 97317 (hereinafter referred to as "Unit"),

6. On May 7, 2020 Investigators with SCU and the Federal Bureau of Investigation (FBI) executed the search warrant on MCGUIRE's Unit, where the controlled buys occurred during the course of the investigation. MCGUIRE would refer to the storage unit as his "shop" where he also kept a vehicle at that he would work on. In their search of the Unit, investigators seized three thousand, three hundred and ninety-four (3,394) grams of a suspected methamphetamine, which field tested presumptive positive for the presence of methamphetamine. Investigators also located a black Sig Sauer handgun with an obliterated serial number. I know this firearm to have been manufactured outside the state of Oregon. Also located in MCGUIRE's Unit were digital scales and packaging material.



7. On the same date, investigators executed the search warrant on MCGUIRE's Residence. Prior to the execution of the search warrant, MCGUIRE was detained by officers at his Residence. Following advisement of his *Miranda* rights, he made a statement to officers inferring that they were going to find a bunch of cash. In their subsequent search of MCGUIRE's Residence, where he is the sole occupant, investigators seized three hundred and ninety-five (395) grams of suspected methamphetamine, which field tested presumptive positive for the presence of methamphetamine. An additional seven (7) firearms that I know to have been manufactured outside the state of Oregon were also seized from the Residence, along with approximately \$400,000.00 in United States currency.



8. I reviewed MCGUIRE's criminal history and know that he was previously convicted of the felony of Unlawful Delivery of Methamphetamine in Polk County Circuit Court

(Case Number 17CR00343) and was sentenced to 18 months in prison, and thereby prohibited from possessing a firearm.

**Conclusion**

9. Based on the foregoing, I have probable cause to believe, and I do believe, that Joshua MCGUIRE committed Possession with Intent to Distribute Methamphetamine in violation of 21 U.S.C. § 841(a)(1), Conspiracy to Distribute Methamphetamine in violation of 21 U.S.C. § 846, and Felon in Possession of a Firearm in violation of 922(g)(1). I therefore request that the Court issue a criminal complaint and arrest warrant for Joshua MCGUIRE.

9. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney Ashley Cadotte. AUSA Cadotte advised me that in her opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

*By Phone*

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Anthony J. Burke  
Task Force Officer  
Federal Bureau of Investigations

Sworn in accordance with the requirements of FED. R. CRIM. P. 4.1 by telephone at 11:49  
a.m. on May 8, 2020.

*Youleee Jim You*

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HONORABLE YOLEEE YIM YOU  
United States Magistrate Judge